

## **REMARKS**

### 1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action of April 3, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### 2. Telephone Interview Summary

Applicants first wish to express their sincere appreciation for the time that Examiner Le spent with Applicant's Attorney, Mr. Charles W. Griggers, during a telephone discussion on June 27, 2007 regarding the outstanding Office Action. During the discussion, proposed amendments and arguments (contained herein) were discussed regarding the obviousness rejection. A consensus was not reached regarding these discussions since any amendments made may necessitate a new search. Therefore, Applicant respectfully requests the Examiner to consider the present response and the remarks and amendments contained herein.

### 3. Response to Rejection of Claims under 35 U.S.C. §112

Claims 1-42, 45, and 59 have been rejected under 35 U.S.C. §112, Second Paragraph, as allegedly being indefinite.

In particular, claims 1-21 and 23-42 are considered indefinite for omitting essential elements. In particular, the Office Action states that claims 1 and 22 cannot be system claims since there is only one access control element in Figure 1. Applicants respectfully disagree.

First, claims 1 and 22 are not limited to the embodiment of FIG. 1. However, it is noted that FIG. 1 shows a network server 110 which could be a "reporting unit" in one or more embodiments. Further, Applicants is not aware of any rule that requires a system claim to have more than one element in every claim. If this was the case, then an independent claim having one element could not be a system claim according to this logic. However, assume that a dependent claim of the independent claim adds an element. Would the dependent claim then be called a "system" claim although the independent

claim may not? For at least these reasons, withdrawal of the rejection is respectfully requested.

Further, claims 3, 24, 45 have been rejected for having an insufficient antecedent basis. In response, claim 3 has been amended to correct the antecedent basis. Further, claims 24 and 45 have been amended to add commas so that reading of the claim is made more clear. Applicants respectfully submit that claims 24 and 45 have proper antecedent basis.

Claims 3, 17, 24, 38, 45, 59, and 23-27 have been rejected for being indefinite. Claims 3, 17, 24, 38, 45, and 59 have been amended to add clarifying language with regards to the term “times.” With regard to claims 23-27, it is believed that the term “specifying in the report” is clear and definite. For instance, in each of these claims (23-27), there is a report where it may be specified or stated in the report, such items as a duration of time that a user accessed a particular computer application, which computer applications have been accessed by a user, etc.

Accordingly, withdrawal of these rejections are also respectfully requested.

#### 4. Response to Rejections of Claims under 35 U.S.C. §101

Claims 1-42 have been rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter.

With regard to claims 1-21, the Office Action states that claim 1 does not have physical hardware components and does not produce a concrete, useful, and tangible result. Applicants respectfully disagree.

Claim 1 recites an access control unit and a reporting unit. Paragraph 0039 of the specification explains that the “access control unit 155 of one embodiment can be implemented in software, firmware, hardware, or a combination thereof.” Therefore, claim 1 may have hardware components. Further, claim 1 describes that the reporting unit compiles information in a report for an administrator.

For example, Applicants reference the Computer Guidelines ([http://www.uspto.gov/web/offices/pac/compexam/interim\\_guide\\_subj\\_matter\\_eligibility.html](http://www.uspto.gov/web/offices/pac/compexam/interim_guide_subj_matter_eligibility.html)) which states that “merely determining or calculating a price may not be held to be a tangible result, instead reasonably being interpreted as just a thought or a

computation within a processor; however, calculating a price of an item to sell and then conveying the calculated price to a potential customer would be a tangible result.” See MPEP 2106 and *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368 (Fed. Cir. Jul. 23, 1998) (“Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces ‘a useful, concrete and tangible result’-a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.”)

Likewise, in claim 1, the reporting unit compiles a report for an administrator which constitutes a practical application since it produces a useful, concrete, and tangible result. For at least this reason, withdrawal of the rejection of claims 1-21 is respectfully requested.

With regard to claims 22-42, the Office Action states that claim 22 is directed merely to software modules and does not produce a concrete, useful, and tangible result. Applicants respectfully disagree.

Claim 22 recites means for specifying settings, means for controlling access, means for collecting information, and means for compiling the information into a report, where the report is made accessible to an administrator of the computer. The specification explains that operations which are capable of being performed in software may also be implemented in hardware or a combination thereof. See para. 0039. Further, claim 22 describes that information is compiled in a report for an administrator which constitutes a practical application since it produces a useful, concrete, and tangible result. For at least this reason, withdrawal of the rejection of claims 22-42 is respectfully requested.

##### 5. Response to Rejections of Claims under 35 U.S.C. §103

Claims 1-11, 15-32, and 36-42 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Kimball* (U.S. Patent Application Publication No. 2004/0034646 A1) in view of *Mathew* (U.S. Patent Application Publication No. 2004/0003071 A1). Claims 12-13 and 33-34 have been rejected under 35 U.S.C. §103

as allegedly being unpatentable over *Kimball* in view of *Mathew* in further view of *Rowland* (U.S. Patent No. 6,405,318 B1). Claims 14 and 35 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Kimball* in view of *Mathew* in further view of *Terry* (U.S. Patent Application Publication No. 2002/0026605 A1). The Office Action also states that “[c]laims 43-62 are essentially the same as claims 22-42 except that it sets for the claimed invention as a method rather than a system comprising means for function and [are] rejected under the same reasons as applied above.” Page 21.

a. Claim 1

As provided in independent claim 1, Applicants claim:

A system for controlling computer access, comprising:  
a control unit to control access to a computer according to settings specified by an administrator for at least one user of the computer; and  
***a reporting unit to collect information on which local computer applications the respective user is attempting to access on the computer, the information being compiled in a report regarding the respective user, the report being made accessible to the administrator.***

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Kimball* in view of *Mathew* does not disclose, teach, or suggest at least "a reporting unit to collect information on which local computer applications the respective user is attempting to access on the computer, the information being compiled in a report regarding the respective user, the report being made accessible to the administrator," as recited and emphasized above in claim 1.

Rather, *Kimball* describes a graphical user interface that presents interface controls based on which grouping a user belongs. See para. 0036. For example, a child may be offered different links to content by the graphical user interface than a parent is. See para. 0056. As such, *Kimball* fails to teach or suggest at least "a reporting unit to collect information on which local computer applications the respective user is attempting to access on the computer, the information being compiled in a report

regarding the respective user, the report being made accessible to the administrator,” as recited in claim 1.

Further, *Mathew* describes a history summary report which tracks a user’s online activities and actions, such as web browsing. Paragraph 0069 of *Mathew* that a “routine 1400 tracks the user’s actions while the user is online.” As such, *Mathew* does not track a user’s access to computer application and does not collect information on which local computer applications the user is attempting to access.

Accordingly, neither *Kimball* nor *Mathew*, individually or in combination, disclose at least “a reporting unit to collect information on which local computer applications the respective user is attempting to access on the computer, the information being compiled in a report regarding the respective user, the report being made accessible to the administrator,” as recited in claim 1. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kimball* in view of *Mathew* has not been made, and the rejection of claim 1 should be withdrawn.

b. Claims 2-13 and 15-21

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2-11 and 15-21 depend from claim 1 and recite additional features, claims 2-11 and 15-21 are allowable as a matter of law over the cited art of record. Further, the cited art of *Rowland* fails to cure the deficiencies of the *Kimball* and *Mathew* references in suggesting or teaching all of the claimed features in claim 1 and claims 12-13 (which depend from independent claim 1). Therefore, claims 12-13 are allowable over the proposed combination of *Kimball* in view of *Mathew* in further view of *Rowland*. Similarly, the cited art of *Terry* fails to cure the deficiencies of the *Kimball* and *Mathew* references in suggesting or teaching all of the claimed features in claim 1 and claim 14 (which depends from independent claim 1). Therefore, claim 14 is allowable over the proposed combination of *Kimball* in view of *Mathew* in further view of *Terry*.

c. Claim 22

As provided in independent claim 22, Applicants claim:

A system for controlling computer access, comprising:

means for specifying settings to regulate access to a computer for at least one user of the computer;

means for controlling access to the computer according to the specified settings;

means for collecting information on which local computer applications the respective user is attempting to access on the computer, and

***means for compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer.***

(Emphasis added).

Applicants respectfully submit that independent claim 22 is allowable for at least the reason that *Kimball* in view of *Mathew* does not disclose, teach, or suggest at least "means for compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer," as recited and emphasized above in claim 22.

Rather, *Kimball* describes a graphical user interface that presents interface controls based on which grouping a user belongs. See para. 0036. For example, a child may be offered different links to content by the graphical user interface than a parent is. See para. 0056. As such, *Kimball* fails to teach or suggest at least a "means for compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer," as recited in claim 22.

Further, *Mathew* describes a history summary report which tracks a user's online activities and actions, such as web browsing. Paragraph 0069 of *Mathew* that a "routine 1400 tracks the user's actions while the user is online." As such, *Mathew* does not track a user's access to computer application and does not collect information on which local computer applications the user is attempting to access.

Accordingly, neither *Kimball* nor *Mathew*, individually or in combination, disclose at least a "means for compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer," as recited in claim 22. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of

*Kimball* in view of *Mathew* has not been made, and the rejection of claim 22 should be withdrawn.

d. Claims 23-32 and 36-42

For at least the reasons given above, claim 22 is allowable over the cited art of record. Since claims 23-32 and 36-42 depend from claim 22 and recite additional features, claims 23-32 and 36-42 are allowable as a matter of law over the cited art of record. Further, the cited art of *Rowland* fails to cure the deficiencies of the *Kimball* and *Mathew* references in suggesting or teaching all of the claimed features in claim 22 and claims 33-34 (which depend from independent claim 22). Therefore, claims 33-34 are allowable over the proposed combination of *Kimball* in view of *Mathew* in further view of *Rowland*. Similarly, the cited art of *Terry* fails to cure the deficiencies of the *Kimball* and *Mathew* references in suggesting or teaching all of the claimed features in claim 22 and claim 35 (which depends from independent claim 22). Therefore, claim 35 is allowable over the proposed combination of *Kimball* in view of *Mathew* in further view of *Terry*.

e. Claim 43

As provided in independent claim 43, Applicants claim:

A method for controlling computer access, comprising:  
specifying settings to regulate access to a computer for at least one user of the computer;  
controlling access to the computer according to the specified settings;  
collecting information on which local computer applications the respective user is attempting to access on the computer, and  
***compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer.***

(Emphasis added).

Applicants respectfully submit that independent claim 43 is allowable for at least the reason that *Kimball* in view of *Mathew* does not disclose, teach, or suggest at least "compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer," as recited and emphasized above in claim 43.

Rather, *Kimball* describes a graphical user interface that presents interface controls based on which grouping a user belongs. See para. 0036. For example, a child may be offered different links to content by the graphical user interface than a parent is. See para. 0056. As such, *Kimball* fails to teach or suggest at least compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer,” as recited in claim 43.

Further, *Mathew* describes a history summary report which tracks a user’s online activities and actions, such as web browsing. Paragraph 0069 of *Mathew* that a “routine 1400 tracks the user’s actions while the user is online.” As such, *Mathew* does not track a user’s access to computer application and does not collect information on which local computer applications the user is attempting to access.

Accordingly, neither *Kimball* nor *Mathew*, individually or in combination, disclose at least “compiling the information into a report of the respective user, the report being viewable by an administrator of the computer, the report being made accessible to an administrator of the computer,” as recited in claim 43. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Kimball* in view of *Mathew* has not been made, and the rejection of claim 43 should be withdrawn.

f. Claims 44-63

For at least the reasons given above, claim 43 is allowable over the cited art of record. Further, the cited art of *Rowland* and *Terry* fails to cure the deficiencies of the *Kimball* and *Mathew* references in suggesting or teaching all of the claimed features in claim 44. Therefore, claims 44-63 (which depend from independent claim 43) are allowable over the cited art.



### **CONCLUSION**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicants reserve the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicants. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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